GOVERNMENT OF INDIA
COMMUNICATIONS AND INFORMATION TECHNOLOGY
LOK SABHA

STARRED QUESTION NO:59
ANSWERED ON:27.04.2016
Data Privacy in Aadhaar
Rajesh Shri M. B.;Sampath Shri Anirudhan

Will the Minister of COMMUNICATIONS AND INFORMATION TECHNOLOGY be pleased to state:

(a) whether adequate legislative safeguards for individual data privacy and protection has been incorporated in the Aadhaar programme and if so, the details thereof;

(b) whether the Government is in receipt of complaints about Aadhaar enrolment centres charging hefty sums from people in many centres in various States and if so, the details thereof : and

(c) the corrective steps taken / proposed to be taken by the Government along with making public aware about the formalities and fees for getting an Aadhaar card?

Answer

(a) to (c): A statement is laid on the Table of the House.

STATEMENT REFERED TO IN REPLY OF LOK SABHA STARRED QUESTION NO.*59 REGARDING DATA PRIVACY IN AADHAAR
â€¦â€¦.

(a): Yes, Sir. The Aadhaar (Targeted Delivery of Financial and Other Subsidies, Benefits and Services) Act, 2016 [Act 18 of 2016], was passed by the Parliament on 16-03-2016. It is designed to promote good governance, financial inclusion and for targeted delivery of subsidies, benefits and services to deserving individuals in a transparent manner. In the Act, all important, legally validated and well certified principles of data privacy and protection of information have been incorporated. The specific provisions of the Act, in this regard, are as follows :-

(i) The Act provides that the resident shall be informed at the time of enrolment of the manner in which the information collected at the time of enrolment shall be used and the nature of recipients with whom the information is intended to be shared during authentication [Section 3(2)]. Further, consent of the individual would be obtained for using his identity information during authentication and he would also be informed of the nature of information that may be shared upon authentication and usage thereof [Section 8 and 29(3).
(ii) Section 29 provides that no core biometric information (iris and fingerprints) shall be shared with anyone for any reason whatsoever and the same shall not be used for any purpose other than Aadhaar generation and authentication. It further provides that no Aadhaar number or core biometrics collected or created under this Act in respect of an Aadhaar number holder shall be published, displayed or posted publicly, except for the purposes as may be specifically provided for by the regulations framed under this Act.
(iii) As per Section 33 disclosure of identity information and authentication records can be made (i) pursuant to an order of a court not inferior to that of a District Judge or (ii) in the interest of national security, in pursuance of a
direction of an officer not below the rank of a Joint Secretary to the Government of India, specially authorised for the said purpose. Further, any such direction issued shall be reviewed by an Oversight Committee consisting of the Cabinet Secretary and the Secretaries to the Government of India in the Department of Legal Affairs and the Department of Electronics & Information Technology, before it takes effect.
(iv) Further, contravention of any provisions of the Act would attract penalties as specifically provided for in Chapter VII of the Act.

Moreover, it is also submitted that adequate technological and process safeguards have been built into the infrastructure for ensuring data security and protection.

(b) and (c): There are multiple grievance mechanisms available for the residents to file complaints regarding UIDAI including the Central Public Grievance Portal, UIDAI's Contact Centres, Toll Free Number system and through E-Mail id help@uidai.gov.in, whereby residents can file complaints including those related to Aadhaar enrolment centres allegedly charging money from residents. Till date, 4983 complaints have been received at the UIDAI contact centres for allegedly charging money from residents. Action such as suspension, black-listing of operators etc are taken based on the outcome of the investigation of such complaints. So far 11,974 operators have been suspended /blacklisted on account of misconducts such as corruption, process violations, poor data quality, etc. If Enrolment Agencies are found complicit, then in such cases, the respective Registrars - mainly State Governments - are asked to investigate the matter and take suitable action.

UIDAI conducts Information, Education and Communication (IEC) activities in States, through its Regional Offices, and public awareness activities through Print Media, Electronic media and All India Radio at regular intervals to popularize the message of

Aadhaar viz. enrolment being free of cost.
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